

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

YOUNG AMERICA'S FOUNDATION;  
BINGHAMTON UNIVERSITY  
COLLEGE REPUBLICANS; and JON  
LIZAK, President of the College  
Republicans of Binghamton University,

NOTICE OF MOTION TO  
DISMISS PURSUANT TO RULE  
12(B)(5) FOR INSUFFICIENT  
SERVICE OF PROCESS

Plaintiff(s),

-against-

HARVEY STENGER, President of  
SUNY-Binghamton, in his official and  
individual capacities; BRIAN ROSE, Vice  
President for Student Affairs of SUNY Binghamton,  
in his official and individual capacities; JOHN  
PELLETIER, Chief of SUNY Binghamton UPD,  
in his official and individual capacities; COLLEGE  
PROGRESSIVES, a student organization  
at SUNY-Binghamton; PROGRESSIVE  
LEADERS OF TOMORROW ("PLOT");  
STUDENT ASSOCIATION OF  
BINGHAMTON UNIVERSITY,

Civil Action No. No. 3:20-cv-822

Defendant(s).

State of New York )

) ss:

County of Broome )

Masai Andrews, being duly sworn, deposes and says:

- 1) I have no past or present involvement with PLOT. I have also never been present at a BU protest.

2) Plaintiff's counsel has provided zero evidence that I have ever been affiliated with PLOT, aside from speculation and hearsay—much of which has been spread by plaintiff's counsel themselves throughout these proceedings.

3) Plaintiff's counsel provided a false affidavit attempting to link me to a PLOT meeting that documents prove never occurred (Exhibit A). Plaintiff's council also falsified their initial service to myself and non-party Aviva Friedman at the start of this litigation—service that documents provided to the court prove never occurred.

4) I do not operate any social media accounts under any names or pseudonyms. Any coincidences or similarities present on the five-or-so pages belonging to a “Roderick Douglas” can be attributed to witnesses of public events or any person or persons with access to local news reports. Despite this, plaintiff's council take these public and seemingly random postings as factual evidence.

5) In fact, after a quick Google search of “Roderick Douglas” I found public posts claiming Councilwoman Aviva Friedman works for the C.I.A. and Roderick Douglas himself is a military veteran. I have never served in the military, and I believe it's highly unlikely Ms. Friedman works for the C.I.A. (Exhibits B & C). Plaintiff's counsel is selectively presenting posts to mislead the court while disregarding evidence that undermines their false claims.

6) A Binghamton Police investigation showed no connection between myself and the Roderick Douglas Facebook page (Exhibit D), and a Daily Start photographer issued a retraction after misidentifying me as “Roderick Douglas” in a photograph (Exhibit E).

7) The Roderick Douglas page is not representative of me, and I have no knowledge of who operates that page or the PLOT page. I agree with plaintiff's counsel that they should subpoena Facebook for pertinent information to finally put this issue to rest.

8) I am a high-level State administrator overseeing 6 counties in New York, a homeowner, landlord, and a step-father. I admittedly participated in a select few protests during 2019 and 2020 (as did thousands of New Yorkers), was wrongly arrested and subsequently exonerated of all charges. This was not a crime. It was my Constitutional right. I have no knowledge or involvement of the claims made by plaintiff's counsel regarding prior protests or demonstrations. Plaintiff's counsel is mistaken, at best, or maliciously trying to attribute this activity to any convenient parties.

9) As such, I am once again asking the court to end the Plaintiff's misguided attempts to involve me in these proceedings, and furthermore dismiss this action against the community group PLOT pursuant to rule 12(8)(5) for insufficient service of process, as I am not now, nor ever have been, an authorized agent or otherwise affiliated.

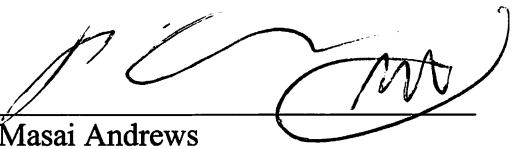
### **CONCLUSION**

1. On information and belief, it appears Plaintiff misidentified and eventually served the wrong party as an agent of the Defendants, fabricated official court records to purport to effectuate service that did not initially occur, and then tried to secure a default judgment by use of the same defective documents.

2. On information and belief, either this was purposeful, or grossly negligent.

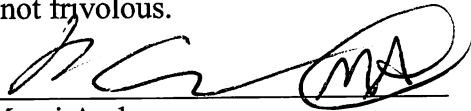
WHEREFORE, the undersigned prays that this Court dismiss the complaint of the plaintiff herein with costs and disbursements to me as an individual, together with such other relief the Court finds to be just and proper.

Dated: December 9, 2021  
Binghamton, New York

  
Masai Andrews

VERIFICATION

I, Masai Andrews, have read the foregoing Motion, and know the contents thereof. The same are true to my knowledge, with the exception of matters therein stated to be alleged on information and belief and as to those matters, I believe them to be true. To the best of knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions herein are not frivolous.

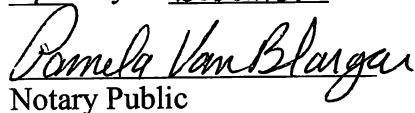


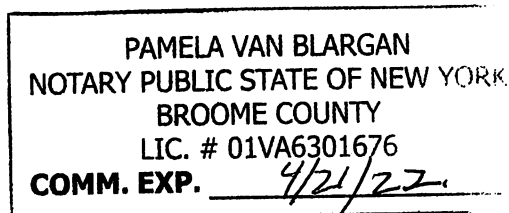
Masai Andrews  
Endicott, NY  
Phone: 518.334.1883

STATE OF NEW YORK COUNTY OF BROOME

On the 9<sup>th</sup> day of December in the year 2021, before me the undersigned, a notary public for said state, personally appeared, personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that s/he executed the same in his/her signature on the instrument, the individual, or the person on the behalf of which the individual acted, executed the instrument.

Sworn to before me this  
9<sup>th</sup> day of December 2021.

  
Notary Public



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# EXHIBIT A



*Broome County Public Library*  
*185 Court St.*  
*Binghamton, NY 13901*  
*www.bclibrary.info*

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October 3, 2019

**William Martin**  
**Justice and Unity for the Southern Tier**  
**14 Narwood St.**  
**Johnson City, NY 13790**

Meeting Room Rental:

Broome County Public Library  
Decker  
Thursday, November 7, 2019  
For 2 hrs. 6:00 p.m. – 8:00 p.m.

\$60.00

These charges are assessed to assist us in offsetting the cost of janitorial and other staff services, utilities, and wear and tear on rooms' furniture in an ever-dwindling budget. We appreciate your support and hope to provide you with the a clean, safe, comfortable, and convenient place to hold your meeting and to meet with your neighbors and friends. If you wish to appeal this charge for your future meetings please send a written request to: Library Director Broome County Public Library 185 Court Street, Binghamton, NY 13901-6429.

Please remit payment to:

Broome County Public Library  
185 Court St.  
Binghamton, NY 13901

Tax deductible donations to support the library can be made to the Friends of the Library.



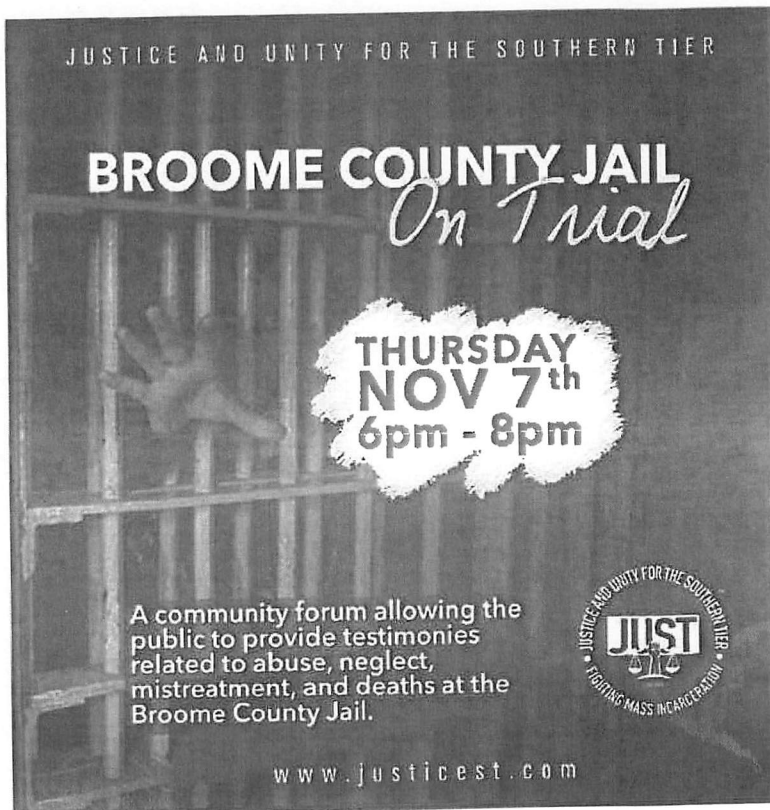
From: wgmartin1 <wgmartin1@protonmail.com>  
Date: Fri, Oct 22, 2021 at 8:56 PM  
Subject: event 2  
To: Masai Andrews <masaiandrews@gmail.com>

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October 22, 2021

To Whom It May Concern,

I can confirm that the event held in the Broome County Library on November 7<sup>th</sup>, 2019 was solely organized by Justice and Unity in the Southern Tier, which reserved the room, paid the County for use of the room, advertised the event under its sole name, and ran the event. The advertisement for the event clearly stated JUST as the organizer:

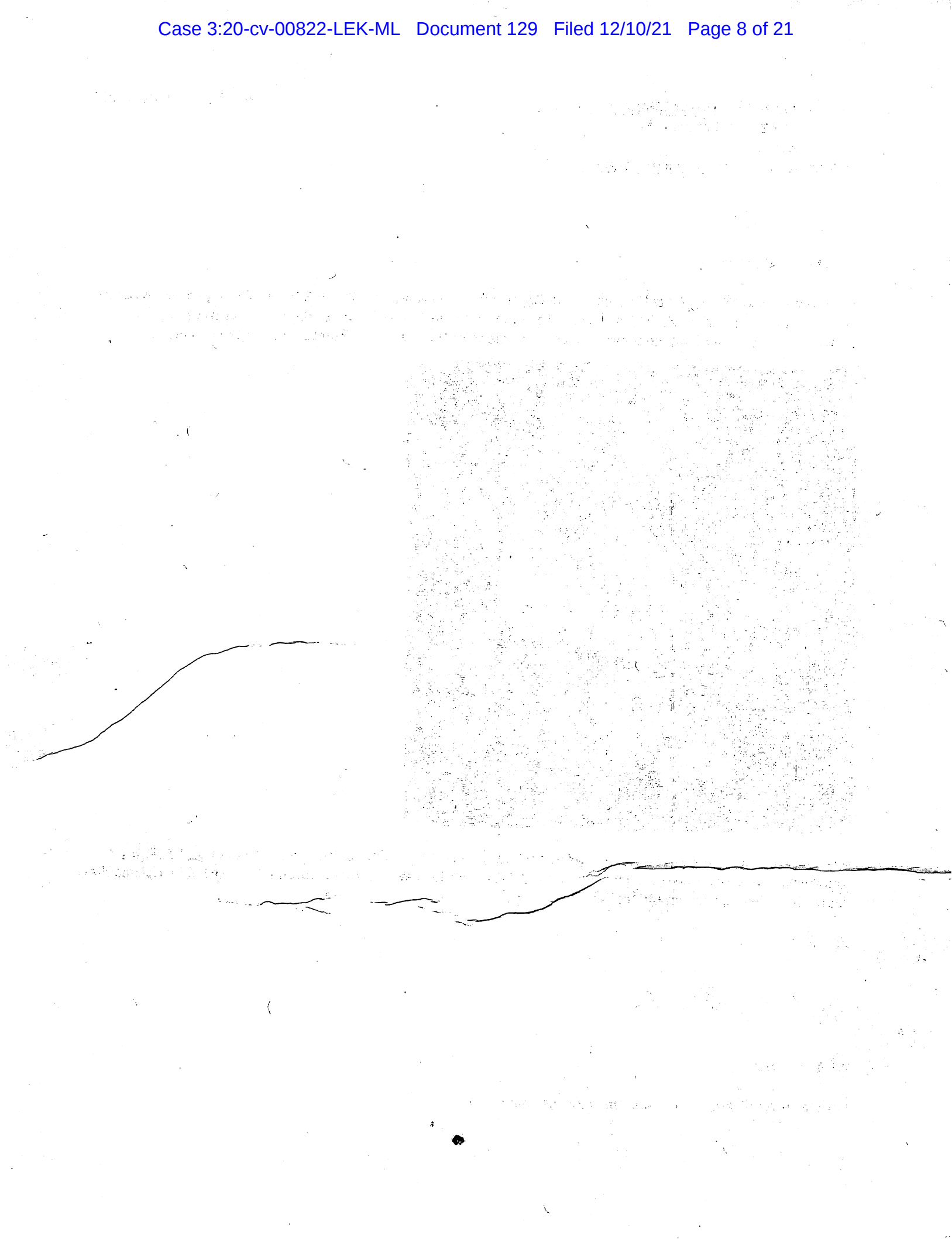


I attach a copy of the invoice from Broome County for the room reservation for the event. My letter to the Library confirming the reservation is below. I personally delivered a JUST payment to the Broome County Library, opened the doors for the event, and was MC for the proceedings.

Sincerely,

William Martin

Advocacy Coordinator, Justice and Unity for the Southern Tier





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PO Box 93  
Bible School Park  
NY 13737  
Email: [justice.southern.tier@gmail.com](mailto:justice.southern.tier@gmail.com)  
Web: [www.justiceST.com](http://www.justiceST.com)  
Facebook: [tinyurl.com/JUST-ST](https://www.facebook.com/tinyurl.com/JUST-ST)

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Sherry Kowalski  
Head of Information Services  
Broome County Public Library  
185 Court St.  
Binghamton, NY 13901

October 9, 2019

Sherry,

I enclose a check for \$60 to cover the rental for Nov 7. Can you change the time slightly to 5:40 to 7:40 if possible? That allows time for us to set up and also clear out and clean up before the library closes at 8.

Thanks.

Bill Martin

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# EXHIBIT B



Roderick Strugglass

March 23 · 🌐

...

With the mayor and police releasing statements, and local news reporting on last night's protest at Councilwoman Sophia Resciniti's house, I feel I have some responsibility to set the record straight about what actually happened. So here goes:

Last night around 8pm, Binghamton City Council President, Sophia Resciniti was taken hostage by a small tactical unit of ANTIFA combatants dressed in black military uniforms. Binghamton SWAT were called to the scene but were unable to negotiate her release. With tensions rising, Mayor Rich "No Neck" David began exploring options to free Resciniti from her ANTIFA captors.

Desperate, Mayor Rich David called upon Binghamton Councilwoman Aviva Friedman, District 4 representative and U.S. Central Intelligence Agency exfiltration specialist for a consultation.

Friedman initially criticized David's efforts but was at a loss when asked for an alternative. Later that evening, she began creating a complex cover story to facilitate Resciniti's rescue: that she is Canadian filmmaker who is in Binghamton scouting exotic locations for a science-fiction film called "Argo."

Friedman contacted John Solak, a Hollywood make-up artist who had previously worked for the CIA. Solak put Friedman in touch with film producer Joe Burns. Together, they set up a phony film production company, publicized their plans, and successfully established the pretense of developing a "science fantasy adventure" in the style of Star Wars, to lend credibility to the cover story.

Meanwhile, Resciniti grew restless.

Posing as a producer for Argo, Friedman entered Binghamton under the alias Salka Valerio to meet with Resciniti. Solak provided them with Canadian passports and fake identities. Although afraid to trust Friedman's scheme, Resciniti reluctantly went along, knowing that she was risking her own life too.

Friedman was eventually told that the operation was canceled to avoid conflicting with a planned military rescue of Resciniti. But Friedman pushed ahead anyway, forcing her boss Roderick Douglass to hastily re-obtain authorization for the mission and confirm their tickets on a Swissair flight. Resciniti and Friedman boarded an airliner, which took off just as the Revolutionary Guards at the airport were informed of the ruse and try to stop them.

And that's what really happened. Frankly, Friedman deserves a medal for her bold leadership and quick thinking.

<https://wbng.com/.../protests-at-binghamton-city-council.../>

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# EXHIBIT C

**Roderick Douglass**

September 27, 2018 · 🌐

...

I served overseas (USAF) directly after high school and still think the credit vets get for having a "dangerous job" is overblown. So random shoutout to garbage collectors who put their lives on the line for us everyday while performing a job that is 3x as dangerous as being in the military. Y'all the real MVPs. And unlike waging unjust wars on brown people, removing trash actually helps keep our communities safe. <3 🗑️



Nancy Wade-Hull, Garcia Mates and 593 others

20 Comments 613 Shares



Like



Comment



Share

**Christine Albern Spivey**

And they don't even get paid well but they do get decent benefits atleast



9

Like · Reply · 3y

**Tameeka Tolliver**

I give my city workers gatorade brownies and loud love. Gift cards at Christmas. They truly are MVP's... And... In some cities like Columbia,SC, its a guaranteed re-entry job with benefits...for the newly released 🙌



32

Like · Reply · 3y



Laura Connolly replied · 3 Replies

**Rob Stark**

Good post!

Like · Reply · 3y

**Colin Williams**

Can we get them to remove the police?



85

Like · Reply · 3y



Quynlan Vuorensyrja replied · 2 Replies





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# EXHIBIT D

Case 3:20-cv-00822-LEK-ML



## CITY OF BINGHAMTON POLICE DEPARTMENT



**DETECTIVE BUREAU  
SUPPLEMENTARY REPORT  
CASE NUMBER 2019-16,821  
Inv. A. Legos-Williams**

**INCIDENT: Harassment  
CODE: 0170  
DATE: 4-28-19  
TIME: 1103 Hrs.  
LOCATION: 27 Duane Ave.**

**Incident:**

Patrol was called to the area of 27 Duane Ave. for a report of two males fighting in the street. While enroute it was reported that the males stopped fighting and fled the area. Patrol spoke with the caller at 27 Duane Ave., Renee Agantonvich. She said that two Hispanic males were fighting in the street. The aggressor was a large build Hispanic male with a bald head and the other male was a thinner build Hispanic male with black hair. Patrol then spoke with Jossette Massol at 25 Duane Ave. She reported that her exboyfriend, Jorge Hernandez, got into a physical fight with her current boyfriend, Masai Andrews. She said that Andrews was probably upset that Hernandez came to the house to pick up the son that she and Hernandez share. She did not know the date of birth for Andrews and said that he lives in Albany.

Hernandez responded to Binghamton Police Hq to make a report. He had abrasions to both hands, his right elbow, his nose and inside his lip, it also appeared that he had a broken blood vessel in his eye. He was treated by medics and taken to Lourdes Hospital. He reported that he has been having issues with Massol about visiting their shared son. He went to her house today to pick up his son and got into an argument with her current boyfriend. He said that he and the male got into a physical fight and he ended up on the ground while being hit. He then fled the area and the male went back inside 25 Duane Ave.

Patrol did not speak with the other male involved.

**Investigation taken as of 4-30-19:**

I spoke with Hernandez on the phone. He said that he has not seen his son since March 29<sup>th</sup> so he decided to go to 25 Duane Ave. to visit his son without telling Massol. He went to the door and Massol's boyfriend came out of the house. He said that the male pushed him on the ground and started to punch him. He was hit several times on the ground but he was able to twist one of the fingers on the male's hand and the male stopped hitting him. The male then went back into 25 Duane Ave. and Hernandez left the area in his vehicle. He has seen this male at 25 Duane Ave. a few times but he only knows him as Masai. He knows Masai to drive a gray Ford Focus and to live in Albany. I told him that I would check the location and speak with this male.

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Hernandez called me again. He said that he checked the Facebook profile for Massol and she had on her page that she was dating a person named Roderick Douglas. He thought that this was the male that he fought. I checked Facebook for Massol and this Roderick Douglas. There were no photos of the two together and there were no photos on Roderick Douglas's Facebook page. I advised Hernandez that I was unable to identify the male from this page.

I responded to 25 Duane Ave. I knocked on the door but there was no answer. I left my card in the door.

**Investigation taken as of 5-3-19:**

I spoke with Hernandez on the phone. He said that he drove by 25 Duane Ave. and saw a silver vehicle parked on the street. He gave me a license plate of NY registration DYF2974 and he said that he believed that the male suspect drove this vehicle. He was also very concerned that the male that beat him up was not taking care of his child. I ran the plate in eJustice and it came back to a female in Williamsport, NY. I spoke with Hernandez and I told him that I did not believe that was the suspect's vehicle.

**Investigation taken as of 5-7-19:**

I received a message from Hernandez. He said that he drove by 25 Duane Ave. and saw a vehicle that he thought was the suspect's vehicle. He gave two license plates, both New York registration, FED2290 and FGG2290. The first plate did not come back registered to anything. The second plate came back registered on a Ford Focus to Masai Andrews (REDACTED). I printed out the eJustice registration result. I then checked LERMS for Andrews. There was no photo attached to his jacket but gave an address of 63 Belden St. I was not able to locate a photo in his criminal history or through CJIMS. I advised Hernandez that I would speak with Massol and Andrews at 25 Duane.

**Investigation taken as of 5-9-19:**

I responded to 25 Duane Ave. There was no answer at the door.

**Investigation taken as of 5-11-19:**

I received a message from Hernandez. He said that he drove by 25 Duane Ave. and saw Andrews's vehicle.

I responded to 25 Duane Ave. and I spoke with Massol. She said that she did see Hernandez and Andrews get into a physical fight but it was nothing. She added that Hernandez has been texting her since the fight because she has not allowed him to see his son. She did not like the texts that she was getting from Hernandez and she said that he was calling her names in the texts. I asked to speak with Andrews and she said that he was not there at the time. She said that he lives in Albany and only comes to 25 Duane Ave. on the weekends. I gave her my card and I asked her to have Andrews call me.

**Investigation taken as of 5-14-19:**

I responded to 25 Duane Ave. and I spoke with Massol again. I asked to speak with Andrews and she said that he was in Albany. I asked if she gave him my card and she said that she gave him that card and he said that he would call me. She told me to check back on Saturday.



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**Investigation taken as of 5-18-19:**

I responded to 25 Duane Ave. to speak with Andrews. There was no answer at the door. I called the phone number listed in LERMS for Andrews, 518-334-1883. There was no answer and I left a message.

**Investigation taken as of 5-20-19:**

I spoke with Hernandez on the phone. I told him that I was not able to speak with Andrews. I asked if he would be able to identify the suspect if he saw a photo. He said that he would be able to identify the male by photo. I told him that I would be contacting him again in the next week.

**Investigation taken as of 5-28-19:**

I constructed a photo array with Masai Andrews. There was not a photo in CJIMS for Andrews. I used the DMV photo for Masai Andrews.

**Investigation taken as of 5-29-19:**

Sgt. Flanders and I responded to 73 Moeller St. Apt. 2. Sgt. Flanders conducted the Photo Array with Hernandez. The photo array process was recorded by Axon body camera. Hernandez viewed the photo array and indicated that the male in photo number 6 was the same male that hit him on 4-28-19. He circled the photo and initialed his name. Sgt. Flanders also updated Hernandez deposition with the identification in the photo array.

**Investigation taken as of 12-31-19:**

As of this time I was unable to contact Masai Andrews in order to interview him about the incident. At this time the incident will be closed as mutual combatants with Masai Andrews being positively identified as being involved. Nothing Further.

Case Closed- Non criminal.

A. Legos-Williams

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# EXHIBIT E



Case 3:20-cv-00822-LEK-ML

From: **Sarah Eames** <[seeames1995@gmail.com](mailto:seeames1995@gmail.com)>  
Date: Sat, Oct 23, 2021, 12:09 AM  
Subject: Re: August 2020 article  
To: masai andrews <[masaiandrews@gmail.com](mailto:masaiandrews@gmail.com)>

Of course! So sorry about that. My bad entirely.

I actually took that photo when I worked for the Daily Star in Oneonta (I'm at the Press & Sun now). I'll let them know ASAP.

Based on their stylebook, the correction will probably read something like: "Due to a reporter's error, the speaker in this Aug. 15, 2020, photo that appeared online only was incorrectly identified. The speaker's name is Masai Andrews. We apologize for the error."

On Fri, Oct 22, 2021 at 11:56 PM masai andrews <[masaiandrews@gmail.com](mailto:masaiandrews@gmail.com)> wrote:  
Good evening,

In an August 2020 Press Connects article a photo of me was published with an incorrect name given. I believe the to be an honest mistake.

Would you be willing to publish a retraction, or confirm that the name printed in the original article—"Roderick Douglas"—was not verified prior to publishing?

My correct name is Masai Andrews, and I am not affiliated with PLOT.

Thank you!